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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,377

02/27/2004

Hiroataka Matsumoto

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01/20/2006

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EXAMINER

WALSH, RYAN D

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,377	MATSUMOTO, HIROTAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan D. Walsh	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6, 7, 10-15 and 17 is/are allowed.
- 6) ☒ Claim(s) 5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 16 is objected to because of the following informalities: The claimed language, "step of turning off the temperatures is performed at once" is unclear and should be rewritten to render the claim clearer. Appropriate correction is required.

### ***Response to Arguments***

Applicant's arguments, see Page 9, Ln. 6, filed December 14, 2005, with respect to the rejection(s) of claim(s) 5 and 8-9 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Goto et al. (US Pub. 2002/0003970).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamimura (US Pub. 2004/0086292) in view of Goto et al. (US Pub. 2002/0003970).

Regarding claim 5, Kamimura teaches, "A method of controlling a heating unit, comprising: (1) when an image formation is executed at a first temperature, performing control to drop the temperature of a heating member to a second temperature lower

than the first temperature, (2) when the image formation is completed, turning off the heating member with predetermined timing corresponding to the second temperature lowered from the first temperature stepwise ([0031] & [0032]); and (3) after the image formation is completed, returning from the second temperature to the first temperature stepwise ([0032] & [0033])." Kamimura does not teach, "with predetermined timing corresponding to a number of mediums on which an image is to be formed, at least once." However, Goto et al. teach, "with predetermined timing corresponding to a number of mediums on which an image is to be formed, at least once (Fig. 5 and [0109])." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kamimura's invention to include performing control to drop the temperature of a heating member to a second temperature lower than the first temperature with predetermined timing corresponding to a number of mediums on which an image is to be formed, at least once."

The ordinary artisan would have been motivated to modify Kamimura's invention in a manner described above for at least the purpose of enabling superior fixing properties (see Goto et al. [0109], last sentence).

Regarding claim 8, Kamimura teaches, "wherein when the temperature of the heating member composed of the first heating member and a second heating member is recovered stepwise ([0032] & [0033]), shifting the timing with which the temperature in a first region heated by the first heating member rises from the timing with which the temperature in a second region heated by the second heating member rises (Figure 5)."

Regarding claim 9, Kamimura teaches, "wherein the timing with which the first and second regions are raised is determined by the second temperature obtained in dropping from the first temperature [0032]."

***Allowable Subject Matter***

Claims 1-4, 6-7, 10-15 and 17 are allowed.

Claim 16 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 6 and 10, the prior art does not teach or suggest the claimed, "turns off either the first heating member or the second heating member which has priority over the other member, the priority being determined according to the number of mediums on which an image is to be formed."

***Conclusion***

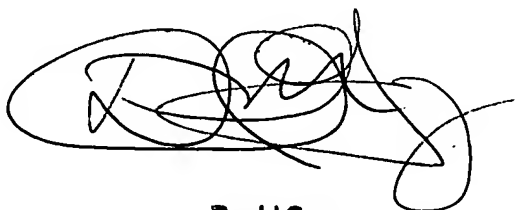
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Endo et al. (US Pat. 5,512,993) and Tanaka (US Pub. 2004/0165904).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh  
Patent Examiner  
Art Unit 2852

A handwritten signature in black ink, appearing to read 'David Gray', with a large, stylized flourish extending from the end of the signature.

David Gray  
Primary Examiner